

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

D. ALAN ROSINUS
phone: 212-788-8316
fax: 212-788-0940
email: arosinus@law.nyc.gov

July 1, 2008

BY HAND

Hon. Leonard B. Sand
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1650
New York, New York 10007

Re: Zappulla v. Horn, et al.,
07 CV 7709 (LBS) (MHD)

Dear Judge Sand:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel Michael A. Cardozo, attorney for defendants Commissioner Martin Horn, Warden Okada, Chief Squillante, Deputy Warden Ruggerio, Deputy Warden Jorgenson, Captain Shelton, Captain Morales, and Mr. Alloo in the above captioned matter. I write to clarify certain issues regarding representation of the defendants in this case.

This case was recently transferred within the Corporation Counsel's office, from Assistant Corporation Counsel Morgan Kunz to me. I filed a Notice of Appearance in this matter dated July 25, 2008. Relying on the docket in this case, which indicated that Mr. Kunz represented each and every defendant listed on the plaintiff's complaint, my Notice of Appearance indicated that I represented the defendants listed above, as well as C.O. Moulgrave, who is listed as a defendant on the plaintiff's complaint.

After filing my Notice of Appearance, I learned from Mr. Kunz that C.O. Moulgrave had not yet been served and is therefore not at this time a proper party to this lawsuit. The docket confirms this fact. Mr. Kunz further informed me that, because C.O. Moulgrave has not been served, she has also not yet requested nor consented to representation by this office.

As set forth above, my Notice of Appearance erroneously listed my appearance on behalf of C.O. Moulgrave. I apologize for this inadvertent error and respectfully request that I be permitted to forthwith file an Amended Notice of Appearance to reflect that this office does not at this time represent C.O. Moulgrave.

MEMO ENDORSED

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Thank you for your consideration.

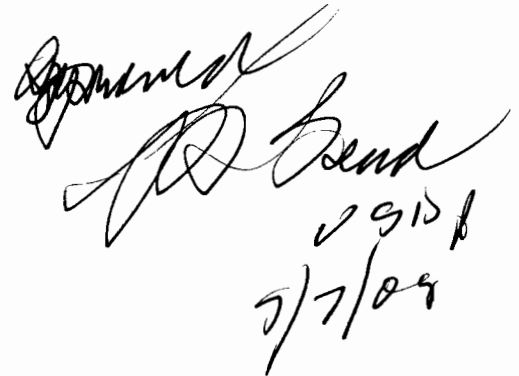
Respectfully,



David A. Rosinus, Jr. (DR 2311)
Assistant Corporation Counsel

cc: By regular mail
Guy Zappulla
Plaintiff pro se

By hand
Hon. Michael H. Dolinger
United States Magistrate Judge



29158
7/7/08

MEMO ENDORSED

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7-8-08 DJ